

**FILED**

FEB 19 2013

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

/s/ SONIA WALKER, )  
)  
Plaintiff )  
)  
v. )  
)  
)  
)  
2. SOUTHCREST, L.L.C., )  
)  
Defendant. )

**13 CV 103 TCK - TLW**

Case No. \_\_\_\_\_  
(District Court of Tulsa County)  
Case No. CJ-2012-06284)

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, Southcrest L.L.C. ("Defendant") hereby gives notice of the removal of the proceeding captioned "*Sonia Walker v. Southcrest, L.L.C.*" bearing Case No. CJ-2012-06284 on the docket of the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant respectfully shows the Court as follows:

1. On or about December 4, 2012, Plaintiff commenced an action in the District Court for Tulsa County against Defendant. The sole claim in Plaintiff's Petition ("Petition") seeks judgment against Defendant for alleged violations of Title VII of the Civil Rights Act of 1964. Service of process occurred on or about January 30, 2013. A copy of the Petition is included in Defendant's Appendix to Removal, filed contemporaneously herewith.

2. This Court has federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff's claim in the state court Petition purports to arise under the Constitution and the laws of the United States. Accordingly, this case may be removed pursuant to the provisions of 28 U.S.C. § 1441.

*pd*

3. This Notice of Removal is filed within the time permitted by 28 U.S.C. § 1446(b).

4. The Northern District of Oklahoma is the federal district that embraces the District Court of Tulsa County, Oklahoma. Therefore, removal to the United States District Court for the Northern District of Oklahoma is proper.

5. Pursuant to LCvR81.2, copies of all pleadings filed in the District Court of Tulsa County, Oklahoma, and a copy of the docket sheet of the case, shall be filed concurrently with Defendant's Notice of Removal. A copy of all pleadings and a copy of the docket sheet are included in Defendant's Appendix to Removal, filed contemporaneously herewith.

6. A Notice of Filing of Notice of Removal, a copy of which is included in Defendant's Appendix to Removal, will be filed in the District Court of Tulsa County, Oklahoma as soon as this Notice of Removal has been filed in this Court.

WHEREFORE, Defendant respectfully requests that the matter of *Sonia Walker v. Southcrest, L.L.C.*, Case No. CJ-2012-06284, pending in the District Court of Tulsa County, Oklahoma, be removed to this Court.

Respectfully Submitted,

**STRECKER & ASSOCIATES, P.C.**



David E. Strecker, OBA # 8687

Jessica C. Ridenour, OBA # 20758

Sean W. Kilian, OBA # 31117

2150 Mid-Continent Tower

401 South Boston Avenue

Tulsa, Oklahoma 74103-4009

Telephone: (918) 582-1716

Facsimile: (918) 582-1780


**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 19th day of February, 2013, a true and correct copy of the foregoing instrument was served via U.S. Mail to the following counsel of record:

N. Grant Jackson, OBA # 31104  
SMOLEN, SMOLEN & ROYTMAN, PLLC  
701 South Cincinnati Avenue  
Tulsa, Oklahoma 74119  
Phone: (918) 585-2667  
Fax: (918) 585-2669

**ATTORNEY FOR PLAINTIFF**

  
Sean W. Kilian

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

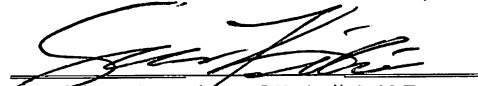
1. SONIA WALKER,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	Case No. _____
	)	(District Court of Tulsa County
	)	Case No. CJ-2012-06284)
2. SOUTHCREST, L.L.C.,	)	
	)	
Defendant.	)	

**DEFENDANT'S APPENDIX TO REMOVAL**

Exhibit A	Plaintiff's Original Petition
Exhibit B	Summons
Exhibit C	State Court Docket Sheet
Exhibit D	Notice of Filing Notice of Removal of Action to Federal Court

Respectfully Submitted,

**STRECKER & ASSOCIATES, P.C.**



David E. Strecker, OBA # 8687  
Jessica C. Ridenour, OBA # 20758  
Sean W. Kilian, OBA # 31117  
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**ATTORNEY FOR PLAINTIFF**

A handwritten signature in black ink, appearing to read "Sean W. Kilian", is written over a horizontal line.

Sean W. Kilian

IN THE DISTRICT COURT FOR TULSA COUNTY  
STATE OF OKLAHOMA

SONIA WALKER,

Plaintiff,

v.

SOUTHCREST, LLC doing business as  
Southcrest Hospital, a domestic limited  
liability company,

**CJ-20 12-06284**

**CARLOS J. CHAPPELLE**

**DISTRICT COURT  
FILED**

**DEC - 4 2012**

**PETITION**

**SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLA. TULSA COUNTY**

COMES NOW Plaintiff, Sonia Walker, through her attorney of record, N. Grant Jackson, and brings this action against Defendant, Southcrest Hospital for violations of her constitutionally protected rights arising out of her employment and treatment by said Defendant. In support of her claims, Plaintiff states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff is a resident of Tulsa County, State of Oklahoma.
2. Defendant, Southcrest, LLC, doing business as Southcrest Hospital, is a domestic limited liability company that regular conducts business within Tulsa County, State of Oklahoma.
3. Defendant regularly employs more than fifteen (15) people.
4. The incidents and occurrences, which form the basis of Plaintiff's lawsuit occurred in Tulsa County, State of Oklahoma.
5. This Court has jurisdiction and venue is proper in Tulsa County, State of Oklahoma.
6. Compensatory damages are sought pursuant to 42 U.S.C. § 2000e, et seq. and 42 U.S.C. § 1983.

**DEFENDANT'S  
EXHIBIT  
A**

7. Punitive damages are sought pursuant to 42 U.S.C. § 1981(A).
8. Costs and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e, *et seq.*
9. Plaintiff, a Spanish speaking individual of Peruvian descent and resident of the State of Oklahoma, filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission ("EEOC"). The filing of this Petition is within ninety (90) days of Plaintiff's receipt of the Notice of Right to Sue. As such, Plaintiff has complied fully with all prerequisites in this Court under Title VII.

#### **FACTS COMMON TO ALL CLAIMS**

10. Plaintiff, a Spanish speaking individual of Peruvian descent, began working for Defendant in January of 2009 in the housekeeping department of Defendant's hospital.
11. Plaintiff was qualified to perform her job and earned a satisfactory work record during her employment with Defendant.
12. Throughout Plaintiff's employment with Defendant, she was subjected to harassment and threats based upon her national origin as well as the fact that she used her native tongue, Spanish, to communicate with her coworkers.
13. On or about November 10, 2009, while at work, one of the nurses employed by Defendant called Plaintiff a "damn tortilla bitch" and began laughing at her.
14. Plaintiff immediately reported the nurse's conduct to her supervisor, Shawn Cagle.
15. On or about March 3, 2010, Plaintiff was working in the housekeeping department.
16. Plaintiff was in the break room speaking with two other co-workers, both of whom spoke Spanish.
17. The three began a conversation in Spanish.
18. Plaintiff's co-worker, Rillar Blocker, entered the break room and violently

slammed her fist on a table and stated that she was “sick and tired of hearing this fucking Spanish shit language.”

19. Blocker then threatened Plaintiff, telling her that if Plaintiff was talking about her she would “kick your ass, you Spanish speaking bitch.”

20. Plaintiff immediately notified her manager, Shawn Cagle, of the repeated harassment and threats.

21. As a result of the incident, Plaintiff was required to speak with Defendant’s human resources department.

22. Plaintiff spoke with Human Resources representative, Rebecca Hurt, and explained the repeated harassment and threats she was receiving from Defendant’s employees.

23. Ms. Hurt informed Plaintiff that she should refrain from speaking Spanish in front of non-Spanish speakers while at work.

24. Ms. Hurt further informed Plaintiff that if she did need to communicate with her co-workers in Spanish, she should have these conversations in a private area, such as the restroom or closet.

25. As a result of the continued harassment and threats and Defendant’s failure to remedy the harassment and threats, Plaintiff was constructively discharged from her employment with Defendant.

**FIRST CLAIM FOR RELIEF**  
**FAILURE TO ENSURE A NON-HOSTILE WORK ENVIRONMENT**

26. Plaintiff incorporates the preceding paragraphs as if realleged.

27. By continually subjecting Plaintiff to a hostile work environment and failing to

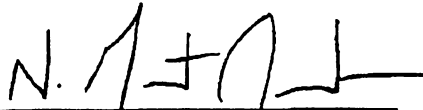


properly ensure a non-hostile work environment, Defendant has violated Title VII of the Civil Rights Act of 1964.

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- a. Back pay and lost benefits; front pay until normal retirement
- b. Compensatory damages for her mental anguish, pain and suffering and other non-pecuniary losses;
- c. Punitive damages for the intentional and knowing acts of discrimination committed by Defendant's management and executives;
- d. Her attorney fees and the costs and expenses of this action;
- e. Such other relief as the Court deems just and equitable.

Respectfully submitted,  
SMOLEN, SMOLEN & ROYTMAN, PLLC

A handwritten signature in black ink, appearing to read "N. Grant Jackson", is written over a horizontal line.

N. Grant Jackson, OBA No. 31104  
701 South Cincinnati Avenue  
Tulsa, Oklahoma 74119  
P: (918) 585-2667  
F: (918) 585-2669  
*Attorney for Plaintiff*

IN THE DISTRICT COURT FOR TULSA COUNTY  
STATE OF OKLAHOMA

SONIA WALKER,

Plaintiff,

v.

SOUTHCREST, LLC doing business as  
Southcrest Hospital, a domestic limited  
liability company,

**CJ-20 12-06284**  
**CARLOS J. CHAPPELLE**

ORIGINAL SUMMONS

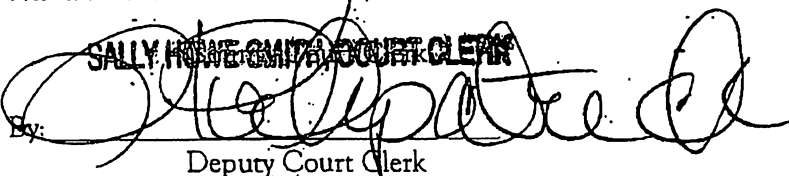
SOUTHCREST, LLC

To the above-named Defendant(s)

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated judgment will be rendered against you with costs of the action.

Issued this 4 day of 12, 2012.

(SEAL)

By:   
Deputy Court Clerk

This summons and order was served on

\_\_\_\_\_  
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PERSONAL SERVICE



I certify that I received the foregoing Summons the \_\_\_\_\_ day of \_\_\_\_\_ 2012, and that I delivered a copy of said Summons with a copy of the Petition to the following named defendant personally in \_\_\_\_\_ County, \_\_\_\_\_ at the address and on the date set forth opposite each name, to-wit:

Name of Defendant

Address

Date of Service

### USUAL PLACE OF RESIDENCE

I certify that I received the foregoing Summons on the \_\_\_\_\_ day of 2012, and that on \_\_\_\_\_, I served \_\_\_\_\_ by leaving a copy of said summons with a copy of the attached Petition at \_\_\_\_\_, which is his/her dwelling house or usual place of abode, with \_\_\_\_\_, a person then residing therein, who is fifteen (15) years of age or older.

### NOT FOUND

Received this Summons this \_\_\_\_\_ day of \_\_\_\_\_ 2012. I certify that the following persons of the defendant within named not found in said County:

### FEES

Fee for service \$ \_\_\_\_\_, Mileage \$ \_\_\_\_\_, Total \$ \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

By:

Sheriff of \_\_\_\_\_ County,

### AFFIDAVIT

I, \_\_\_\_\_, the undersigned, under oath, do say that I served this Summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County,

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

My Commission Expires: \_\_\_\_\_

Seal

Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the Petition to the following named defendant at the address shown by certified mail, addressee only, return receipt requested, on the \_\_\_\_\_ day of \_\_\_\_\_ 2012, and receipt thereof on the dates shown:

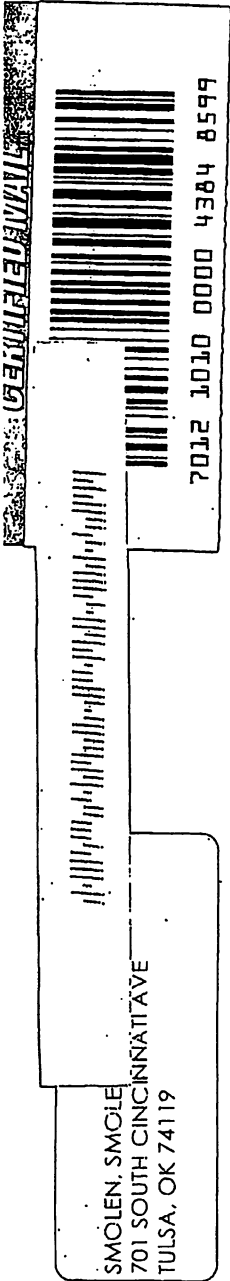
Defendant

Address Where Served

Date

Receipted

\_\_\_\_\_  
Signature of person mailing summons



Southcrest, LLC  
c/o Corporation Service Co.  
115 SW 87th St.  
Oklahoma City, OK 73139



CORPORATION SERVICE COMPANY®

1-37-13

## Notice of Service of Process

TWS / ALL  
Transmittal Number: 10789321  
Date Processed: 01/30/2013

**Primary Contact:** Karen H Sullivan  
Community Health Systems, Inc.  
4000 Meridian Boulevard  
Franklin, TN 37068-9020

**Copy of transmittal only provided to:** Ben Fordham  
Scott Deathridge  
Lisa Smith  
Michael Gardner  
Justin Pitt

---

<b>Entity:</b>	SouthCrest, L.L.C. Entity ID Number 2072821
<b>Entity Served:</b>	Southcrest, LLC dba Southcrest Hospital
<b>Title of Action:</b>	Sonia Walker vs. Southcrest LLC dba Southcrest Hospital
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Labor / Employment
<b>Court/Agency:</b>	Tulsa County District Court, Oklahoma
<b>Case/Reference No:</b>	CJ-2012-06284
<b>Jurisdiction Served:</b>	Oklahoma
<b>Date Served on CSC:</b>	01/30/2013
<b>Answer or Appearance Due:</b>	20 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	N. Grant Jackson 918-585-2667

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC  
CSC is SAS70 Type II certified for its Litigation Management System.  
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscinfo.com](mailto:sop@cscinfo.com)

2/15/13

OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)



THE OKLAHOMA STATE COURTS NETWORK

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## IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

SONIA WALKER, Plaintiff,  v. SOUTHCREST LLC, DBA SOUTHCREST HOSPITAL Defendant.	No. CJ-2012-6284 (Civil relief more than \$10,000: VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT)  Filed: 12/04/2012  Judge: Chappelle, Carlos
---	---

## Parties

SOUTHCREST LLC , Defendant  
WALKER, SONIA , Plaintiff

## Attorneys

## Attorney

Jackson, Norborn Grant (Bar # 31104)  
2427 E 57th St  
Tulsa, OK 74105

## Represented Parties

WALKER, SONIA

## Events

Event	Party	Docket	Reporter
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## Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

## Issue # 1.

Issue: VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT (OTHER)

Filed by: WALKER, SONIA

Filed Date: 12/04/2012

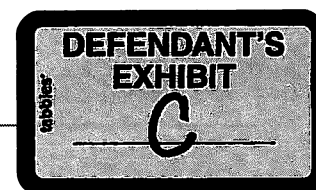
Party Name: Disposition Information:

Pending.

## Docket

Date	Code	Count	Party	Serial #	Entry Date
12-04-2012	TEXT	1		83772066	Dec 4 2012 3:40:47:943PM

CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.



\$ 0.00

2/15/13

OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)

12-04-2012	OTHER	-	83772068	Dec 4 2012 3:42:21:283PM	Realized	\$ 0.00
	VIOLATION OF TITLE VII/HOSTILE WORK ENVIRONMENT					
12-04-2012	DMFE	-	83772069	Dec 4 2012 3:40:48:013PM	Realized	\$ 2.00
	DISPUTE MEDIATION FEE(\$ 2.00)					
12-04-2012	PFE1	-	83772070	Dec 4 2012 3:56:33:333PM	Realized	\$ 163.00
	PETITION(\$ 163.00)					
	 <a href="#">Document Available (#1019940082)</a>					
12-04-2012	PFE7	-	83772071	Dec 4 2012 3:40:48:013PM	Realized	\$ 6.00
	LAW LIBRARY FEE(\$ 6.00)					
12-04-2012	OCISR	-	83772072	Dec 4 2012 3:40:48:013PM	Realized	\$ 25.00
	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)					
12-04-2012	CCADMIN02	-	83772073	Dec 4 2012 3:40:48:013PM	Realized	\$ 0.20
	COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)					
12-04-2012	OCJC	-	83772074	Dec 4 2012 3:40:48:013PM	Realized	\$ 2.00
	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)					
12-04-2012	OCASA	-	83772075	Dec 4 2012 3:40:48:013PM	Realized	\$ 5.00
	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)					
12-04-2012	CCADMIN04	-	83772076	Dec 4 2012 3:40:48:013PM	Realized	\$ 0.50
	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)					
12-04-2012	LTF	-	83772077	Dec 4 2012 3:40:48:163PM	Realized	\$ 10.00
	LENGTHY TRIAL FUND(\$ 10.00)					
12-04-2012	SMF	-	83772078	Dec 4 2012 3:40:48:203PM	Realized	\$ 5.00
	SUMMONS FEE (CLERKS FEE)(\$ 5.00)					
12-04-2012	SMIMA	-	83772079	Dec 4 2012 3:40:48:243PM	Realized	\$ 0.00
	SUMMONS ISSUED - MAILED BY ATTORNEY					
12-04-2012	TEXT	-	83772067	Dec 4 2012 3:40:47:963PM	-	\$ 0.00
	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CHAPPELLE, CARLOS TO THIS CASE.					
12-04-2012	ACCOUNT	-	83772177	Dec 4 2012 3:42:53:483PM	-	\$ 0.00
	RECEIPT # 2012-2488876 ON 12/04/2012.					
	PAYOR:SMOLEN & SMOLEN PLLC TOTAL AMOUNT PAID: \$218.70.					
	LINE ITEMS:					
	CJ-2012-6284: \$168.00 ON AC01 CLERK FEES.					
	CJ-2012-6284: \$6.00 ON AC23 LAW LIBRARY FEE.					
	CJ-2012-6284: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.					



2/15/13 OCIS Case Summary for CJ-2012-6284- WALKER, SONIA v. SOUTHCREST LLC (Tulsa County District Court)

CJ-2012-6284: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.  
CJ-2012-6284: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.  
CJ-2012-6284: \$2.00 ON AC64 DISPUTE MEDIATION FEES.  
CJ-2012-6284: \$25.00 ON AC79 OCIS REVOLVING FUND.  
CJ-2012-6284: \$10.00 ON AC81 LENGTHY TRIAL FUND.

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Report Generated by The Oklahoma Court Information System at February 15, 2013 15:47 PM

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End of Transmission.

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STATE OF OKLAHOMA**

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Plaintiff,

y.

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Defendant.

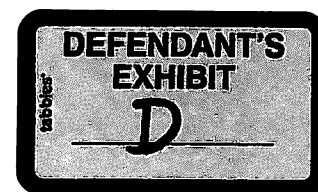
Case No. CJ-2012-06284

HONORABLE CARLOS J. CHAPPELLE

**NOTICE OF FILING NOTICE OF REMOVAL TO FEDERAL COURT**

TO: The Clerk of the District Court of Tulsa County:

PLEASE TAKE NOTICE THAT Defendant, Southcrest, L.L.C., has on the 19th day of February, 2013, filed a Notice of Removal of this action removing this matter from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma. In accordance with the provisions of 28 U.S.C. § 1446(d), a copy of the Notice of Removal is attached to this Notice as Exhibit “A” and by this reference incorporated herein. Defendant requests that this Court proceed no further in this matter unless and until it is remanded.



Dated this 19th day of February, 2013.

Respectfully Submitted,

**STRECKER & ASSOCIATES, P.C.**

A handwritten signature in black ink, appearing to read "David E. Strecker", is written over a horizontal line.

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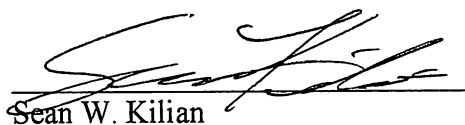
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**ATTORNEY FOR PLAINTIFF**

  
Sean W. Kilian